

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TODD MIRABELLA,

Plaintiff,

vs.

CORRECTION OFFICER O'KEEAN; CORRECTION  
OFFICER JOSBURG; CORRECTION OFFICER  
STACHEWIC; CORRECTION OFFICER ROACH;  
SERGEANT BROWN; SUPERINTENDENT DALE  
ARTUS; DEPUTY SUPERINTENDENT IN CHARGE OF  
SECURITY SETWART ECKERT; "D" BLOCK  
SERGEANT BROWN CAPTAIN JAMES GILMORE;  
LIEUTENANT INVESTIGATING MARCH 3,  
GRIEVANCE JOHN DOE #1; CORRECTION  
OFFICIALS ##1-20,

**Docket No. 15-cv-142-WMS**

Defendants.

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**NOTICE OF MOTION FOR SUMMARY JUDGMENT**

MOTION BY:

Defendants SCOTT BROWN and  
DANIEL KIENER

RELIEF SOUGHT:

Summary Judgment pursuant to FRCP 56

WHEN RETURNABLE:

As directed by the Court

WHERE RETURNABLE:

Honorable William M. Skretny  
United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

SUPPORTING PAPERS:

Memorandum of Law; Statement of  
Undisputed Facts; Declaration of George  
Michael Zimmermann; Declaration of  
Daniel Kiener; and the Declaration of Scott  
Brown.

Pursuant to Local Rule 7(a)(1), notice is hereby given that defendants intend to file reply papers. Pursuant to Local Rule 7(b) any opposing papers must be served at least fourteen (14) days prior to the return date of the motion unless otherwise ordered by the Court

DATED: Buffalo, New York  
February 6, 2018

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York  
Attorney for SCOTT BROWN and  
DANIEL KIENER  
BY:

/s/ George Michael Zimmermann  
GEORGE MICHAEL ZIMMERMANN  
Assistant Attorney General of Counsel  
Main Place Tower, Suite 300A  
350 Main Street  
Buffalo, NY 14202  
(716) 853-8444

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2018, I electronically filed the foregoing along with the Memorandum of Law; Statement of Undisputed Facts; Declaration of George Michael Zimmermann; Declaration of Scott Brown; and the Declaration of Daniel Kiener, with attachments with the Clerk of the District Court using its CM/ECF system and thereby provided service on the following CM/ECF participant:

Leo Glickman, Esq.  
Stoll, Glickman & Bellina, LLP  
475 Atlantic Avenue, 3rd Floor  
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718-852-3710  
[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)

And, I hereby certify that I have mailed the foregoing, by the United States Postal Service, to the following non-CM/ECF participants:

none

DATED: Buffalo, New York  
February 6, 2018

/s/ George Michael Zimmerman  
GEORGE MICHAEL ZIMMERMANN  
Assistant Attorney General of Counsel  
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